

## **MANDATORY CHILD ABUSE/NEGLECT CENTRAL REGISTRY, CRIMINAL BACKGROUND AND SEX OFFENDER REGISTRY CHECKS**

**Effective July 1, 2008**

**NOTE:** Please read the following policy and its related procedures in their entirety before applying for the Child Abuse/Neglect Registry or criminal background checks.

### **POLICY**

First Steps services are provided in families' homes and other private settings in which children and families spend their days. For this reason, it is important that persons who contract with the Cabinet for Health and Family Services, First Steps Program undergo pertinent background checks.

The Cabinet for Health and Family Services requires the following checks for all providers applying for or renewing enrollment as a Provider in the First Steps Program:

- Child Abuse and Neglect (CA/N) Central Registry Check
- Criminal Background Check
- Kentucky State Police Sex Offender Registry Check

Child Abuse and Neglect (CA/N) Central Registry checks will be conducted by the Cabinet for Health and Family Services, Division of Community Based Services, Criminal background checks will be conducted by the Administrative Office of the Courts, and the First Steps Program will conduct a check of the Kentucky State Police Sex Offender Registry. **The cost for the CA/N check and the criminal background check is \$10.00 each and is to be paid by the applicant.** The Kentucky State Police Sex Offender Registry Check will be provided by the First Steps Program at no cost to the applicant.

Persons applying for enrollment in the First Steps Program on or after July 1, 2008 and who are not renewing an existing contract/Agreement will not be enrolled until clearance results are received from the CA/N Central Registry, criminal background and Kentucky State Police Sex Offender Registry checks. For current First Steps providers who are renewing contracts/Agreements that expire on June 30, 2008, clearance results must be received no later than December 31, 2008.

CA/N Registry, criminal background and Kentucky State Police Sex Offender Registry checks will be valid for the applicant's two (2) year agreement period unless the Cabinet has reason to request a re-check. Failure to comply with a request from the Cabinet for a CA/N Central Registry or criminal background check shall result in immediate termination of the First Steps Provider Agreement. Biennial re-checks will be required prior to enrollment renewal unless a check (with no findings) was completed within the year prior to the re-enrollment period and the results of such checks were submitted directly to the First Steps program by DCBS and/or the Administrative Office of the Courts.

Results of the CA/N Central Registry and criminal background checks must be received by First Steps Central Office directly from the agency responsible for completing the check (DCBS or the Administrative Office of the Courts) unless the provider undergoing the background check works for an agency that completes the CA/N Central Registry and AOC criminal background checks as a matter of employment and the checks were done within one (1) year of the renewal or enrollment application date. If the provider undergoing the CA/N Central Registry and AOC criminal background checks works for an agency that completes these checks as a matter of employment, First Steps Central Office would accept a copy of the clearance from the agency administrator. Such documentation should accompany the renewal or enrollment application. Background check results will not be accepted directly from the provider undergoing the checks. Information discovered during background checks shall be kept confidential.

An applicant shall not be approved if the CA/N Registry check reveals a substantiated finding of child abuse or neglect in the 7 year period prior to the check date or if at any time the applicant committed sexual abuse or sexual exploitation of a child; has been responsible for a child fatality, has had a criminal conviction or civil judicial determination related to abuse or neglect; or had parental rights terminated involuntarily in accordance with KRS 625.050 through 625.120. Approval of an applicant whose CA/N Registry check reveals a substantiated finding of child abuse or neglect in the 7 year period prior to the check date but who has not committed sexual abuse or sexual exploitation of a child; been responsible for a child fatality, had a criminal conviction or civil judicial determination related to abuse or neglect; or had parental rights terminated involuntarily in accordance with KRS 625.050 through 625.120, shall be handled on a case-by-case basis with consideration given to the nature of the offense and length of time that has elapsed since the event. Such approval shall only be considered pursuant to a request for re-review by the applicant submitted within 30 calendar days of the date on the letter denying enrollment. The Cabinet shall issue a final decision regarding enrollment within 30 calendar days of the date the request for re-review is received by First Steps Central Office. All decisions shall be made at the discretion of the Cabinet and shall be final.

An applicant shall not be approved if the criminal background check reveals that the applicant has been convicted of a felony involving a child, a criminal offense against a minor (as defined by KRS 17.500), sexual violence (as defined by KRS 17.500) sexual abuse or exploitation (as defined by KRS 600.020), or death; or a drug or alcohol related felony. Approval of an applicant who has been convicted of a nonviolent felony or misdemeanor shall be handled on a case-by-case basis with consideration given to the nature of the offense and length of time that has elapsed since the event. Such approval shall only be considered pursuant to a request for re-review by the applicant submitted within 30 calendar days of the date on the letter denying enrollment. The Cabinet shall issue a final decision regarding enrollment within 30 calendar days of the date the request for re-review is received by First Steps Central Office. All decisions shall be made at the discretion of the Cabinet and shall be final.

An applicant shall not be approved if a search of the Kentucky State Police Sex Offender Registry reveals that the applicant has been convicted of a sex crime or criminal offense against a victim who is a minor or has been committed as a sexually violent predator. Approval of an applicant who has been convicted of a nonviolent felony or misdemeanor shall be handled on a case-by-case basis with consideration given to the nature of the offense and length of time that has elapsed since the event. Such approval shall only be considered pursuant to a request for re-review by the applicant submitted within 30 calendar days of the date on the letter denying enrollment. The Cabinet shall issue a

final decision regarding enrollment within 30 calendar days of the date the request for re-review is received by First Steps Central Office. All decisions shall be made at the discretion of the Cabinet and shall be final.

## **PROCEDURE**

- I. Child Abuse/Neglect (CA/N) Registry, criminal background and Kentucky State Police Sex Offender Registry checks must be completed by all persons applying for enrollment as a Provider in the First Steps program. To avoid unnecessary costs, persons who are applying to be Developmental Interventionists, Service Coordinators or Primary Level Evaluators shall be required to complete the required checks only after First Steps Central Office has reviewed the applicant's credentials and it has been determined that the applicant meets the educational requirements of their discipline.

### *Child Abuse/Neglect (CA/N) Registry Check*

1. Upon receipt of confirmation from First Steps Central Office that educational requirements have been met, the applicant shall request a Child Abuse/Neglect (CA/N) Registry check. Applicants should allow four (4) weeks for processing of the CA/N Registry check.
  - a. Complete Required Form 23 DPP-156 according to the accompanying instructions.
  - b. Mail the completed DPP-156 form and a check or money order made payable to the "Kentucky State Treasurer" in the amount of ten dollars (\$10.00) to:

The Cabinet for Health and Family Services  
Department for Community Based Services  
Records Management Section  
275 East Main St., Section 3E-G  
Frankfort, Kentucky 40621

### *Criminal Background Check*

1. Upon receipt of confirmation from First Steps Central Office that educational requirements have been met, the applicant shall request a Criminal Background check. Applicants should allow four (4) weeks for processing of the Criminal Background check.
  - a. Complete Required Form 24 AOC-PT-49 according to the accompanying instructions.
  - b. Mail the completed AOC-PT-49 form and a check or money order made payable to the "Kentucky State Treasurer" in the amount of ten dollars (\$10.00) to:

Administrative Office of the Courts  
Pretrial Services Records Division  
100 Millcreek Park  
Frankfort, Kentucky 40601

*Kentucky State Police Sex Offender Registry Check*

1. Upon receipt of clear CA/N Registry and criminal background checks, First Steps Central Office will conduct a Kentucky State Police Sex Offender Registry Check.
- II. First Steps Central Office shall respond if the CA/N Registry, criminal background or Kentucky State Police Sex Offender Registry checks reveal findings that preclude the Cabinet from enrolling the applicant, the applicant will be notified of the findings via certified mail.
1. Following notification of such finding(s), the applicant shall have the opportunity to request that First Steps Central Office re-review the application within the timeframe specified in policy.
  2. The applicant shall bare the burden of providing any and all information relevant to the requested re-review.
  3. Per policy, such re-review shall be conducted within 30 calendar days and the applicant notified via certified mail of the Cabinet's findings. All decisions shall be made at the discretion of the Cabinet and shall be final.
- III. First Steps Central Office shall proceed with Provider enrollment procedures upon receipt of clearance from the CA/N Registry, criminal background and Kentucky State Police Sex Offender Registry checks.